

MINUTES
Montana Fish, Wildlife & Parks
Commission Conference Call Meeting
1420 East 6th Avenue – Helena Headquarters
Helena, MT 59620

DECEMBER 20, 2006

Commission Members Present: Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton.

Fish, Wildlife & Parks Staff Present: Chris Smith, Chief of Staff; Don Childress; Graham Taylor (via telephone); Chris Smith; Bill Schenk; Charlie Sperry; Regena Peterson.

Guests: None

Topics of Discussion:

- 1. Opening – Call to Order**
- 2. Teton Butte / Saypo Cattle Company Easement – Endorsement**
- 3. Approval of Commercial Use Rule Amendments - Final**
- 4. Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Chairman Doherty called the conference call meeting to order at 1:30 p.m.

2. Teton Butte / Saypo Cattle Company Easement – Endorsement. Don Childress, FWP Wildlife Division Administrator, explained that this easement proposal involves two pieces of property in Teton County along the Rocky Mountain Front. The Teton Buttes property is owned by Lew and Christy Clark, and the Saypo Cattle Company is owned by Jack Salmond, Christy Clark, and Christy's sister. Both pieces of property are working ranches, and the family wishes to continue with that heritage.

The Teton Buttes property totals 5,210 deeded acres plus 840 acres of DNRC lease land. The land provides prime habitat for deer, grouse, waterfowl, antelope, and other species of wildlife, and provides a corridor for grizzly bears to travel through. In addition to Willow Creek, several coulees run through the property toward the Teton River.

The land is comprised of native grasslands and several species of trees and bushes, and approximately 75 acres of hay ground. There are no structures on the site, and there are no plans to construct anything other than a corral.

The Saypo Cattle Company totals 12,043 deeded acres and 3,800 acres of DNRC lease land. It borders 3,000 acres of BLM and Lewis & Clark National Forest lands. In addition to several streams, Green Timber Creek, Battle Creek, and Deep Creek run through this property. Abundant native grasses, shrubs, and trees sustain a wide variety of wildlife, both seasonally and year-long, such as bighorn sheep, elk, deer, antelope, bear, mountain lions, bobcats, beaver, mink, muskrat, grouse, and more.

Corrals, barns, cabins, fishing ponds, and a home used as a fishing lodge are located along Battle Creek. This portion of the property would not be included in the easement.

An option document for each parcel would include language that binds the Department and the landowners in a good faith agreement. The landowners would repay the option, however if FWP were to default, then they keep it. FWP is not obligating any money until attorneys on both sides review the proposal. The dollar figure is between \$70,000-\$100,000, however no terms have been firmly established yet. Habitat Montana funds will be utilized. This easement would provide critical wildlife habitat and important access to public lands.

Doherty said this area has been coveted by sportsmen for a long time. If FWP can get public access here, it would be an incredible achievement.

Action: Colton moved and Doherty seconded the motion to authorize FWP to proceed with negotiations to purchasing an option to gain a conservation easement on the Teton Butte / Saypo Cattle Company property with the understanding it will be expensive.

Mulligan asked what constitutes a default.

Childress said a default would be if negotiations fail, and FWP has never defaulted yet. Terms will be written into the agreement to assure it is not considered a default if the landowners ask for twice the value of the land, etc. Guarantees will be written in.

Childress said the family wishes to retain the land as a family ranch. If a public interest were to buy the property at a higher price than FWP will pay, the owners would have to leave the ranch, and they prefer not to do that. An easement serves the best interests of both parties.

Action on Motion: Motion carried. Three in favor – one opposed. (Brenden opposed).

3. Approval of Commercial Use Rule Amendments – Final. Montana Statute requires that proposed rules be finalized within six months of the first notice to the Secretary of State. Since the Commercial Use Rules were first published in July of 2006, it was necessary to take action on them at the December Commission meeting or the Department would be required to begin the entire process all over again. The Commissioners recommended several changes at their December 14 meeting, so it was decided to record those changes and vote on the entire rule, including the changes, then hold a conference call (today) to verify that the language, in written form, accurately reflects what was voted on. The Commissioners were provided, in advance, a copy of the amended rules.

Charlie Sperry, FWP River Recreation Management Specialist, presented the amendments that were made to the Commercial Use Rules and Fee Rules.

The Commercial Use Fee Rule was amended to assess \$100 equally for fishing access site permit fees for both fishing outfitters and guides, the fee table was changed to reflect the \$100 assessments, and a paragraph was added below the fee table to explain why there is a menu of options.

The “restricted waterbody and water based outfitter or guide” definition in the fee rule was changed to be consistent with the wording of the Commercial Use Rule as it was inadvertently left unchanged.

Action: Mulligan moved and Colton seconded the motion to approve the final Commercial Use Permit Fee Rule as amended. Motion carried. Three in favor – one opposed. (Brenden opposed).

The Commission reviewed the amendments that had been provided to them to assure they reflected their motions of the December 14 meeting.

Action: Colton moved and Mulligan seconded the motion to adopt the Commercial Use Rule language amendments that were recommended and approved at the December 14, 2006 Commission meeting. Motion carried. Three in favor – one opposed. (Brenden opposed).

Action: Colton moved and Mulligan seconded the motion to adjourn. Motion carried.

4. Open Microphone – Public Opportunity to Address Additional FWP Issues. None.

Meeting adjourned at 2:00p.m.

Steve Doherty, Chairman

Chris Smith, Chief of Staff